IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10724 of 2004

Between:

1 D. Ramesh, S/o. Pullaiah, Conductor (E-175642),
APSRTC, Suryapet Bus Depot, Nalgonda District.
2 K.K. Kumar, S/o. Anandham, Conductor (E-175736)
APSRTC, Suryapet Bus Depot, Nalgonda District.

PETITIONER(S)

AND

1 The Regional Manager, APSRTC,
Nalgonda Region, at Nalgonda.
2 The Vice Chairman/Managing Director, APSRTC, Musheerabad,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not regularising/de-casualising the services of the petitioners with effect from 1-8-2000 (i.e. the date on which juniors to the petitioners decasualised) is unjust, unreasonable against the principles of natural justice and consequently direct the respondents to regularise/decasualise with effect from 1-8-2000 with all service benefits.

For the Petitioners : MR.P.VENKATESWARA RAO, ADVOCATE

For the Respondents: MR.K.HARINATH (Standing Counsel for APSRTC)

The Court made the following :

ORDER:

The petitioners were appointed as casual daily wage Conductors after undergoing the selection process in the year 1998 and they are working as Conductors in different depots under the control of the respondents. It is the case of the petitioners that their services were not regularized even though the services of their juniors were regularized. It is the further case of the petitioners that by proceedings dated 28.6.2000 all the petitioners were disengaged with effect from 1.7.2000 by following the seniority list solely on the ground that the concerned Depot Managers have not sent proposals and service particulars of the petitioners for regularization. Hence, the present writ petition.

As seen from the proceedings dated 23.10.2002, the Personal Officer, Nalgonda called for the required information for regularization of petitioners from the concerned Depots where the petitioners are working, but the concerned Depot Managers seem to have not furnished the said information within time. Therefore, the services of the petitioners were not regularized. In respect of other candidates who are said to be juniors to the writ petitioners and whose service particulars have been furnished by the concerned Depot Managers, their services were regularized.

Learned counsel for the petitioners contended that even though the petitioners are seniors to the persons whose services were regularized, their services were not regularized, for no fault of them, on the ground that the concerned Depot Managers have not sent the required information.

Learned counsel for the respondents, on the other hand, contended that the required information was not sent by the concerned Depot Mangers within time and therefore the services of the petitioners were not regularized.

As seen from the proceedings dated 28.6.2000, the petitioners herein are seniors to the persons whose services are regularized by proceedings dated 23.10.2002. The only ground on which the services of the petitioners were not regularized is that the concerned Depot Managers have not sent the required information within time. This Court is of the considered view that on that ground alone the petitioners cannot

be penalized for no fault of them. Therefore, a direction can be given to the respondents to consider the case of the petitioners for regularization on par with their juniors.

The writ petition is accordingly disposed of directing the respondents to consider the case of the petitioners for regularization of their services after calling for the necessary information from the concerned Depot Managers on par with their juniors whose servies were regularized, within a period of three months from the date of receipt of a copy of this order. No costs.

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K.C.BHANU, J

Dated: 29th June, 2004.

DA

To

1 The Regional Manager, APSRTC,
Nalgonda Region, at Nalgonda.
2 The Vice Chairman/Managing Director, APSRTC, Musheerabad,
Hyderabad.
3. 2 CD copies